

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC.
PRODUCT LIABILITY LITIGATION

MDL No. 13-2419-RWZ

This Document Relates To:

All Actions

RESPONSE OF THE UNITED STATES TO GLENN A. CHIN'S REQUEST FOR ACCESS TO INFORMATION IN THE PSC REPOSITORY

The United States respectfully submits this response to Glenn A. Chin’s Request for Written Approval from the Court to Access Information in the PSC Repository (Doc. No. 3144) [hereinafter the “Motion for Access”]. As stated in its response to the similar motion filed by co-defendant Barry J. Cadden (Doc. No. 3082), the government opposes the criminal defendants’ use of the MDL’s civil discovery process as an end-run around the Federal Rules of Criminal Procedure. Nonetheless, despite the government’s objection to co-defendant Cadden’s motion, on September 29, 2016, this Court granted Cadden’s motion in part, providing him with access to “any material from the U.S. Legal Repository he already possesses,” but denying his “request to access materials added to the repository after January 8, 2016.”¹ Doc. No. 3120.

Defendant Chin now seeks access to these same materials. Neither of these defendants ever contributed anything to the Plaintiffs’ Steering Committee (“PSC”) repository, nor participated in the MDL discovery. Indeed, defendant Chin was not even a party to the MDL. Nevertheless, in light of its earlier order, this Court should make the same materials Cadden

¹ It was unclear from the Court's order if Cadden was limited to any materials already in his possession, or if he could access the PSC repository to obtain information added prior to January 8, 2016.

possesses (or has access to) available to the government, defendant Chin, and the other criminal defendants as well.

CONCLUSION

For all of these reasons, the government requests that the Court allow the government, defendant Chin, and the other criminal defendants access to the same PSC repository materials as have been provided to defendant Cadden.

Respectfully submitted,

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Acting Under Authority Conferred by 28 U.S.C. § 515

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Dated: November 10, 2016

Certificate of Service

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to counsel of record who are registered participants as identified on the Notice of Electronic Filing (NEF).

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Dated: November 10, 2016